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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,773	12/26/2001	James H. Kerr SR.	P1499USA	5870
24998	7590	05/31/2007		
DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			EXAMINER PARDO, THUY N	
			ART UNIT 2165	PAPER NUMBER
			MAIL DATE 05/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/025,773

Applicant(s)

KERR, JAMES H.

Examiner

Thuy N. Pardo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/12/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3 and 5-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. Applicant's Amendment filed on March 12, 2007 in response to Examiner's Office Action has been reviewed. Claims 1, 3 and 5-22 are pending in the application. This Office Action is Final.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3 and 5-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neeson et al. (Hereinafter "Neeson") US Patent No. 5,786,998 in view of Bolavage et al. (hereinafter "Bolavage") US Patent Application No. 2002/0084889.

As to claim 3, Neeson teaches the invention substantially as claimed, comprising:  
Transmitter, attached to the physical asset for transmitting a first data and communication means for receiving the first data signal and transmitting a second data signal [compares the signal strength of the incoming signal (or the second signal) to a full strength signal (or the first signal), see col. 7, lines 60 to col. 8, lines 3] and storing the data signal in continuous communication and

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track the location of the physical asset [stored in base stations 52, 54 which is being used to maintain radio contact to tracking locations vehicles and equipments in the field units, col. 7, lines 60 to col. 8, lines 3; col. 10, lines 25-32].

However, Neeson does not explicitly teach tracking location of item via World Wide Web connection and for housing a software program for enabling a user to track the physical asset although it has the same functionality of tracking reporting and recording equipment inventory via AMCI communication [see the title and the abstract of Neeson]. Bolavage teaches tracking location of the item via World Wide Web connection and for housing a software program for enabling a user to track the physical asset [0016-0020; 0049-0051; fig. 1].

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature of Bolavage to the system of Neeson as an essential means to tracking location of items through world wide packet data communication services.

As to claims 1, 20 and 21, all limitations of these claims have been addressed in the analysis of claim 1 above, and these claims are rejected on that basis.

As to claim 5, Neeson and Bolavage teach the invention substantially as claimed. Neeson further teaches manipulating the stored status signal by using the personal computer to generate, save and print reports [ab; device status code, , fig. 15-20].

As to claims 6, Neeson and Bolavage teach the invention substantially as claimed. Neeson further teaches outputting a status symbol representing the status signal [col. 7, lines 60 to col. 8, lines 3; col. 9, lines 60 to col. 10, lines 42].

As to claims 7-9, Neeson and Bolavage teach the invention substantially as claimed, with the exception of outputting a red status symbol if the physical asset is not in a proper location, a green status symbol if the physical asset is in a proper location, and yellow status symbol if the physical asset is detected in a location, but the location is not a proper location. However, these features are only a matter of a design choice and are well-applied in many exclusive operations. Hastings also teaches determine the whereabouts and status of a particular asset [ab], and Neeson also teaches alerting state of the item [see fig. 6].

As to claim 19, Neeson and Bolavage teach the invention substantially as claimed. Neeson further teaches a computer network; at least one server in communication with the computer network [14 of fig. 1]; a storage device for storing information [col. 4, lines 23-25]. Bolavage teaches tracking location of the item via World Wide Web connection and for housing a software program for enabling a user to track the physical asset [0016-0020; 0049-0051; fig. 1].

As to claim 10, Neeson and Bolavage teach the invention substantially as claimed. Neeson further teaches the communication means comprises a personal computer [14 of fig. 1].

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As to claim 11, Neeson and Bolavage teach the invention substantially as claimed. Neeson further teaches that receiving means comprises a personal computer [20 of fig. 1].

As to claim 12, Neeson and Bolavage teach the invention substantially as claimed. Neeson further teaches the receiving means generates, saves and prints reports based on the second status signal [col. 9, lines 32-46].

As to claims 13-16, 20 and 21, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

As to claim 17, Neeson and Bolavage teach the invention substantially as claimed. Neeson further teaches a database for storing information about the first data signal [col. 8, lines 57 to col. 9, lines 31].

As to claim 18, Neeson and Bolavage teach the invention substantially as claimed. Bolavage further teaches that the user having been granted exclusive access rights to the database and the user only gaining access by using a password or personal identification number [0032; 0050].

As to claim 22, Neeson and Bolavage teach the invention substantially as claimed. Neeson further teaches that the communication medium is the Internet [AMCI Base Networking System, fig. 2; col. 6, lines 61 to col. 7, lines 3].

### ***Response to Arguments***

3. Applicant's arguments filed on March 12, 2007 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the Neeson and Bolavage references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Neeson teaches tracking devices on the locomotive and determining changes of status of devices on the locomotive [see the abstract; col. 4, lines 57-66] in the local communication network. However, Neeson does not explicitly teaches tracking specific location of items in the Internet. Bolavage compensates Neeson's deficiency by teaching tracking particular location of an asset over the Internet [see the abstract and fig. 1].

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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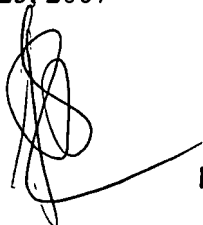
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy N. Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 25, 2007



THUY PARDO  
PRIMARY EXAMINER